

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BENTHOS MASTER FUND, LTD.,

Petitioner,

-against-

AARON ETRA,

Respondent.

20-CV-3384 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS at a hearing on December 14, 2022 (the “Contempt Hearing”), Respondent Aaron Etra (“Etra”) was held in civil contempt for repeatedly violating court orders and Petitioner’s restraining notice, *see* Dkt. 260; and

WHEREAS the Court has ordered Etra to surrender his personal computer and cell telephone(s) to his Court-appointed attorney so that Petitioner can conduct a forensic examination of Etra’s devices, *see id.* at 37;¹

IT IS HEREBY ORDERED that because there is some possibility that Etra’s computer and telephone(s) contain privileged information, Petitioner must, not later than **Friday, January 13, 2023**, propose to Etra² and to the Court a protocol for: (a) having a forensic examination performed by an independent forensic expert; (b) having a report reflecting the contents of the computer and telephone produced to Etra; (c) having Etra review the report reflecting the contents of his devices and lodging any claims of privilege over any particular contents; and (d) the Court determining whether the purportedly-privileged material is, in fact, privileged. Etra

¹ If the forensic examination discloses responsive documents that have not been produced, Etra will be ordered to show cause why the full cost of the examination should not be taxed to him.

² Correspondence to Etra must be sent to his attorney through ECF and to Etra himself. Mail to Etra must be addressed to Aaron Etra, Reg. No. 36170-510, MDC-Brooklyn, P.O. Box 329002, Brooklyn, NY 11232. Although Etra is represented by the Federal Defenders of New York, that representation is for limited purposes. *See* Dkt. 258.


must object or acquiesce to Benthos's proposal no later than **Friday, January 27, 2023**. Any reply from Benthos is due by **Tuesday, January 31, 2023**.

IT IS FURTHER ORDERED that the Federal Defenders of New York must notify the Court once it obtains possession of Etra's devices.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to mail a copy of this Order to Etra at Aaron Etra, Reg. No. 36170-510, MDC-Brooklyn, P.O. Box 329002, Brooklyn, NY 11232, and to note the mailing on the public docket.

SO ORDERED.

Date: December 20, 2022
New York, New York



VALERIE CAPRONI
United States District Judge